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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,370	04/12/2001	Jar-Chen Wang	952.701	3129

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CHAN LAW GROUP LC  
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LOS ANGELES, CA 90017

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/833,370**

Applicant(s)

**Wang et al.**

Examiner

**Vanaman**

Art Unit

**3618**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 15, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 14-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 15, 2002 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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### **Priority**

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on 12/4/00. It is noted, however, that applicant has not filed a certified copy of the Taiwanese application as required by 35 U.S.C. 119(b).

### **Preliminary Amendment**

2. Certain changes requested by the preliminary amendment could not be entered as requested. Applicant has requested paragraphs be entered or amended at page 16 of the specification, at lines 33 and 39. Page 16 has neither a line 33 nor a line 39, and in fact comprises only 23 lines. The paragraphs requested to be entered on line 33 of page 16 have been added between lines 17 and 18 of page 16, in view of the sequence of the added or amended paragraphs. The amendment to the paragraph "starting at line 39" has been entered beginning at line 20 ("as illustrated in figure 7 and 10...") as this is where the paragraph to be amended is located in the original specification. Appropriate care should be taken to insure that the line numbers are in agreement between applicant's instructions and the papers as filed.

### **Drawings**

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on March 20, 2002 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the removable steering shaft support elements extending aft of the steering shaft nor does it support a steering shaft which is removably attached to the frame at both forward and rearward locations with respect to the steering shaft.

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### **Specification**

4. The amendment filed March 20, 2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the descriptions of figures 20 and 21 in the Brief Description of the Drawings (in view of the proposed added drawings including material not supported by the specification and originally filed drawings) and the descriptive material concerning figures 20 and 21 added to the specification on page 16.

Applicant is required to cancel the new matter in the reply to this Office action.

5. The spacing of the lines of the amendment filed March 20, 2002 is such as to make reading and entry of amendments difficult. New amendment papers with lines double spaced on good quality paper are required.

### **Claim Objections**

6. The claims, as written in the amendment of March 20, 2002, are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

7. Claim 16 is objected to because of the following informalities: on line 7, a comma should be inserted between "sized" and "shaped"; on line 8, a comma should be inserted between "tips" and "reducing". Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

8. Claims 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession

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of the claimed invention. Claims 17 and 18 refer to a steering shaft support extending rearwardly of the steering shaft and a support which extends both forwardly and rearwardly of the steering shaft. The original disclosure does not support the showing of the removable steering shaft support elements extending aft of the steering shaft nor does it support a steering shaft which is removably attached to the frame at both forward and rearward locations with respect to the steering shaft.

9. Claims 1 and 14-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 28-40 it is not clear whether or not applicant is attempting to incorporate method steps ('a rider rotates said vertical steering shaft...') into a claim which is otherwise directed to an apparatus. Applicant is reminded that claims should be directed to one statutory type of invention only. In claim 1, line 40, the use of quotation marks is unclear: if applicant desires to use a definition repugnant with the term "walking" (hence the need for quotation marks) then a different term should be employed; in claim 15, lines 6-9 it is unclear whether or not the safety bumper causes a rearward tipping of the vehicle ("said safety bumper means being capable of functioning as a braking device by deliberately tipping..."), further it is again unclear whether or not applicant is attempting to incorporate method limitations into an apparatus claim; a similar condition exists in claim 24, line 3, "a rider foot force being applied..."; in claim 25, it is not clear whether the steering shaft is capable itself of causing a change in its own length ("...possesses a vertical telescoping extension capability *that changes the distance...*" [emphasis added]); in claim 29, line 7, and claim 30, line 4, the use of the term "type" renders the desired protection indefinite in that a particular way the binding is to be likened to a snow-board binding has not been set forth; in claim 31, line 5, the use of the term "typical" renders the desired protection indefinite in that the characteristics of the recited ski pole have not been set forth.

This is an exemplary listing only. Each and every claim should be carefully reviewed and revised for clarity under 35 USC §112, second paragraph.

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#### **Allowable Subject Matter**

10. Claim 1, as best understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

11. Claims 14-16, 19-31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### **Claims Not Rejected over the Prior Art**

12. Claims 17 and 18 are not rejected as being unpatentable over or anticipated by the prior art, however they are subject to rejections under the First Paragraph of 35 USC §112, and would not be in condition for allowance until the First Paragraph issues are resolved.

#### **Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodriguez (US 2,330,147), Annis (US 3,139,287), Hock (US 3,840,241), Chao (US 4,951,958), Chang (US 4,958,842), David (US 5,167,597), Yu (US 5,580,071), Rappaport (US 5,785,331), Null et al. (US 5,947,495), Tarnng (US 6,007,074), Wingard (US 6,139,031), Chen et al. (US 6,343,798), Schumann (DE 1,075,477), Frühauf (AT 224,283), and Huffman et al. (WO 94/16930) teach scooters, skateboards and snow gliding devices of pertinence.

14. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3618.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents  
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;  
informal or draft communications may be faxed to the same number but should be  
clearly labeled "UNOFFICIAL" or "DRAFT")

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

F. Vanaman  
April 26, 2002

